IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.999 OF 2006

Eknath Rakhma Kushare .. Petitioner

Versus

Smt.Vatsalabai Ranganath

Kushare & Ors. .. Respondents

Mr.M.S.Karnik for petitioner

CORAM : S.C.DHARMADHIKARI, J.

DATE : 21st February 2006.

P.C.

. Heard Mr.Karnik for petitioner. No reason for interference is made out. The order under challenge is interlocutory order. Petition

dismissed. It will be open for the petitioner to challenge the final order if the same is adverse to him.

2. Additionally, considering the prayers in the plaint, upon petitioner- plainiff proving that the measurement is illegal and wrong and that the defendant has encroached upon the property of plaintiff, it would be open for petitioner - plaintiff to apply for such reliefs including finding out the extent of encroachment by appropriate procedure and rejection of application by the order under challenge would not prevent petitioner plaintiff from making such application and for the trial court to consider it.

(S.C.DHARMADHIKARI, J)